

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLLINS BRUMFIELD,

Defendant.

ORDER

06-cr-100-bbc

In an order entered on January 8, 2008, the Court of Appeals for the Seventh Circuit issued a limited remand of this case to allow this court to advise it first, whether it would reduce defendant Collins Brumfield's sentence on the basis of the amended guideline for crack cocaine sentences issued in May 2008 and second, whether it would be inclined to lower defendant's sentence under Kimbrough v. United States, 128 S. Ct. 558 (2007). Although defendant was sentenced by the Honorable John C. Shabaz, now that Judge Shabaz has taken senior status, I am handling his cases, including this one.

Before taking up the first question, I will give the parties a chance to be heard on the reduction under Amendment 706 to the Sentencing Guidelines. Once that issue has been decided, I will respond to the court of appeals' inquiry about my inclination to lower

defendant's sentence. If the parties wish to say anything about that issue, they may do so at this time.

ORDER

Defendant may have until February 10, 2009 to state its position on the amount by which defendant's sentence should be reduced; the government may have until February 17, 2009, in which to respond; and defendant may have until February 20, 2009 in which to reply.

Entered this 3d day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge